



Case Report

1	Case Number	0405/14
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/10/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Depiction of smoking/drinking/gambling

DESCRIPTION OF THE ADVERTISEMENT

The Advertisements promote certain Sportsbet AFL and NRL finals specials (Specials). A male voiceover describes the offer as men are scene viewing the deal on their phones.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

I feel that calling the month "Bet-tember" is trying to elevate gambling to a level similar to OcSober and MoVember, which are causes against problems in society, namely alcohol abuse and male depression.

Gambling is a major problem in society at the moment and this is trying to make it similar to the good causes the other month long events are for.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

The Complaint

In summary, the Complaint states that by "calling the month "Bet-tember"", the Advertisements "[try] to elevate gambling to a level similar to OcSober and MoVember" and

“[try] to make it similar to the good causes the other month long events are for”.

We note that the Advertising Standards Bureau has identified section 2.6 of the AANA Code of Ethics (Code) as the section which may have been breached based on the Complaint.

Section 2.6 of the Code states:

Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

Sportsbet’s response to the Complaint

Sportsbet has considered the Complaint and does not seek to shy away from the importance of advertising its services in a responsible manner.

Sportsbet is bemused by the foundation for the Complaint and strongly rejects that the Advertisements in any way breach section 2.6, or any other section, of the Code. In our view, the Advertisements plainly do not “depict material contrary to Prevailing Community Standards on health and safety”. They simply, in one facet of the Advertisements, depict an individual retrieving and using a cellphone to place a single bet. Sportsbet’s position and submission is supported by the guidance provided in the Code Practice Note on the interpretation on section 2.6 of the Code.

The Advertisements, in a light hearted and jovial manner, merely contain a play on words with the Bet-tember / September reference and explain and promote the Specials.

Conclusion

Sportsbet regrets if the jovial nature of the Advertisements was misconstrued by the complainant, but we firmly reiterate our view that the Advertisements do not breach the Code. For the reasons mentioned above, Sportsbet considers that the Complaint lacks foundation and should be dismissed.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement refers to a betting option that uses a similar term to some charitable events and this is inappropriate for a gambling product.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that there are three slightly different versions of the advertisement, but that each advertisement features a voiceover describing the betting offer (finals special and money back in specific circumstances) being available for the final series of the major sporting codes, and labels the offer as “Bet-Tember”.

The Board noted that it is possible to place a bet on your mobile phone wherever you happen to be and noted that in this instance the men are shown in a home with many other people around.

The Board noted the complainant’s concerns that the use of the term “Bet-Tember” and that this is an attempt to elevate the product to that of charity work done by other organisations called Oc-Sober and Mo-vember.

The Board noted that the reference used in the advertisement to “Bet-Tember” is a link to key finals matches that occur in September for both the NRL and AFL. The Board considered that most members of the community would be aware of the finals series for these sporting codes regardless of if they are supporters of the codes or gamblers.

The Board considered that the use of “Bet-Tember” is a direct reference to the sporting events at this time of the year and such a reference does not undermine the importance of cause months and organisations that conduct valuable work assisting the community in a range of specific causes.

The Board acknowledged that there is significant community concern regarding the negative consequences of irresponsible gambling but considered that this advertisement’s depiction of the use of a betting app on a phone in conjunction with the money back offer in specific circumstances, is not advertising a gambling product in a manner condoning or encouraging excess gambling.

The Board determined that the advertisement did not breach Section 2.6 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.